

**TOWN OF DAVIE
SPECIAL MEETING
NOVEMBER 30, 2006**

The meeting was called to order at 6:00 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex and Vice-Mayor Crowley, Councilmembers Paul, Starkey and Caletka. Also present were Town Administrator Shimun, Town Attorney Kiar, and Assistant Town Clerk Barbara McDaniel recording the meeting.

1. **CODE AMENDMENT – AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 2, ARTICLE III, SECTION 24-1, ENTITLED “QUALIFYING DISTRICT BOUNDARIES” BY REDELINEATING GEOGRAPHICAL QUALIFYING DISTRICTS ; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading on November 15, 2006; Mayor Truex, Vice-Mayor Crowley and Councilmember Starkey voted in favor; Councilmembers Caletka and Paul voted in opposition}**

Vice-Mayor Crowley announced that he had to leave the meeting early and advised that he had submitted his own version of scenario 6.

Mayor Truex opened the public hearing portion of the meeting.

Damiano Pignato, 6920 SW 56 Court, favored Vice-Mayor Crowley’s alternate plan. Mr. Pignato said the people of Pine Island Ridge should not be concerned about Councilmember Caletka representing them, as he felt Councilmember Caletka would do a great job.

Philip Busey, 837 SW 120 Way, felt that scenario 6 was the “most radical and extreme of the proposals” even in its amended form. He thought it unnecessary to “bring in the voters east of 61st Avenue.” Mr. Busey thought scenario 9 was acceptable and “solved the “whole problem.”

Jerry Herskovits stated, “I know what you are doing is gerrymandering, and partisanship gerrymandering is legal unless it’s done so outrageously that it’s ridiculous.” He felt they had made a mistake in not notifying residents of Pine Island Ridge that they would not be able to vote for two years if they were included in District 1. Mr. Herskovits thought this violated voting laws and unnecessarily penalized the people of Pine Island Ridge.

Marvin Simon, 2120 SW 92 Terrace, felt Mr. Pignato had no right to speak for him or the people of Pine Island Ridge. Mr. Simon said he was never told that he might not be able to vote for two years. He too felt this amounted to gerrymandering, stating that neither Vice-Mayor Crowley nor Councilmember Starkey wanted Pine Island Ridge included in their districts. Mr. Simon was adamant that Pine Island Ridge residents must be allowed to vote.

Mickey Jarrett, 9136-A SW 20 Place, said Pine Island Ridge residents were “so hurt and disappointed how you have treated us.” She said they had believed that they would probably be included in either District 2 or 3, and would be able to vote. Ms. Jarrett felt that the needs of the Pine Island Ridge residents were different from those of the residents of District 1, and their inclusion in that district would result in their being taxed but not represented, the same situation they were in prior to being annexed.

Irwin Feinberg was upset that his right to vote was being taken away.

Rick Linthicum, 5051 SW 58 Avenue, was concerned that the redistricting would mean that Councilmember Caletka, whom the residents had just elected in March, no longer represented them. Mr. Linthicum felt the new lines were drawn illogically, and believed that the lines should be drawn along major roadways.

David Oakes, 4001 SW 108 Terrace, urged that the plan approved at the last meeting be reconsidered. He felt this was an attempt to “join a significant political community into a non-adjoining area... because of the strength and power of the residents of Pine island Ridge, who are feared by a few, but recognized by many.” Mr. Oakes thought that scenario 6 was gerrymandering, and urged Council to

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reconsider, and to “reconvene a more impartial redistricting committee and reconsider other, more equitable plans”

Mr. Oakes asked Mr. Kiar if scenario 6 met the Town Charter’s requirements of compactness and commonality of interest. Mr. Kiar said the criteria listed in the Town's Charter for district boundaries was very limited. He read the Charter section, which mentioned population changes, large annexations, and a requirement to review every five years. It also described the creation of the committee to consider boundary changes. Mr. Kiar noted that this gave broad discretion to Council.

Pam Pelkey-Rose, 4810 SW 54 Terrace, was concerned that the redistricting would affect the bond point system.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, thought the majority of the community was not happy, and asked what Council intended to do.

James Labby, Country Creek Estates, felt his vote was being taken away.

John Stevens, Chair of the District Boundary Review Committee, was upset with some of the speakers’ characterization of the Committee’s work as gerrymandering. He said he had served on several Town boards, and had not seen any member of any committee do anything he felt was partisan or not in the best interest of the Town. Mr. Stevens said that the members had worked together to develop the maps to meet the criteria. Their main problem was the serious under population of District 1, and the Committee had tried to keep communities intact as much as possible. Mr. Stevens felt the opinion that Pine Island Ridge was different from District 1 was incorrect, and it was not true that Pine Island Ridge residents would be taxed but not represented. Mr. Stevens reminded everyone that they had been working on the Pine Island Ridge annexation for some time, and that community had chosen to become part of Davie at this time. They had not been promised, and the annexation agreement did not state, that they would be able to vote in the upcoming election.

Mayor Truex favored the revised scenario 6 because he had been concerned about the impact on Sunny Lake Park’s bond money. Regarding political affiliations, Mayor Truex said he represented all of the districts as Mayor, and had not run on a party ticket. He said he actually preferred dividing the Town in quadrants, feeling that this prevented an “east versus west” mentality.

Mayor Truex reminded Pine Island Ridge residents that they were never promised they would definitely become part of District 2 or 3, only that it was likely, and that Mayor Truex preferred that Pine Island Ridge be kept in one district. No one should have promised them they would be in any particular district.

Mayor Truex pointed out that residents must be added to District 1, and explained how the voting cycle would change for residents who changed districts.

Regarding the gerrymandering accusation, Mayor Truex said he would leave maps posted for residents to study, and remarked that some residents had “flat-out, dead wrong bad information” and somehow believed that there was nobody between District 1 and Pine Island Ridge. Mayor Truex explained that there were, in fact, 5,790 people between historic District 1 and Pine Island Ridge.

Councilmember Paul preferred any scenario except 6, because she felt they had all tried to keep things compact. She felt “this is very politically charged” Council needed to consider what was best for the community, not for themselves. Councilmember Paul said she could not vote for either version of scenario 6 because she felt it was not in the best interest of the entire Town. She said she had asked Mr. Shimun if they should seek a legal opinion regarding the possible impact on bond funds.

Councilmember Starkey thanked the consultants for their work and for making the data available on line. She asked the consultants if any of the maps were “considered to be gerrymandered.”

Karen Volarich, representing GeoWeb Consultants, said that they had focused on ensuring a balance of the population in creating the scenarios. In her opinion, scenario 6 that was created by the Redistricting Committee, was not gerrymandered because they were non-partisan districts. After the last

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meeting, they had analyzed the maps based on voting records and political affiliation, and had discovered that it had stayed “pretty much the same by district.” She reminded everyone that population counts were not the same as registered voter counts.

Councilmember Starkey felt the Committee had done a good job of creating scenarios that were fair and compatible. She too felt that she had acted in the best interest of everyone, not just her district.

Councilmember Starkey made a motion, seconded by Mayor Truex, to accept the recommendation as amended for scenario 6.

Vice-Mayor Crowley explained that his revision of scenario 6 put the 58th Avenue corridor back in District 1. He pointed out that Mr. Kiar would have advised Council if their actions were illegal.

Councilmember Caletka asked Mr. Kiar if, since his version of scenario 6 was an amendment, they needed a second vote. Mr. Kiar said they did not, since the title had not changed. Councilmember Caletka opposed “any scenario 6” for the following reasons: a community was being denied the right to vote; no representatives from the new communities had served on the Committee; the process was political; they had not accepted the consultant’s advice; boundary lines were counter-intuitive; there were areas of “no-voters” in the commercial area for District 1; there was a high influx of new voters into District 1; and the residents in attendance were mostly opposed to scenario 6.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2).

There being no further business to discuss and no objections, the meeting was adjourned at 6:56 p.m.

Approved _____

Mayor/Councilmember

Town Clerk